

of a decree, and praying that the product be released for shipment to Seattle, Wash., there to be reconditioned by the segregation and destruction of all salmon found unfit for human consumption. On the same date judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it should not be disposed of contrary to the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20708. Misbranding of brown wheat shorts, U. S. v. 112 Bags of Brown Wheat Shorts. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29705. Sample no. 18280-A.)

This action involved a quantity of brown wheat shorts, samples of which were found to contain less than 16 percent of protein, the amount declared on the label.

On January 3, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 112 bags of the said brown wheat shorts, remaining in the original unbroken packages at Philadelphia, Miss., consigned by the Model Mill Co., Jackson, Tenn. It was alleged that the article had been shipped in interstate commerce on or about November 28, 1932, from Jackson, Tenn., to Philadelphia, Miss., and misbranding was charged in violation of the Food and Drugs Act. The article was labeled in part: "Model Brown Wheat Shorts Manufactured by the Model Mill Company, Jackson, Tenn. Guaranteed Analysis Crude Protein not less than sixteen percent."

It was alleged in the libel that the article was misbranded in that the following statement appearing on the label was false and misleading and deceived and misled the purchaser: "Crude protein not less than sixteen percent."

On January 30, 1933, the Model Mill Co., Jackson, Tenn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be disposed of until relabeled to show the true protein content.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20709. Misbranding of candy. U. S. v. 33 Cases and 10 Cases of Candy. Decree of condemnation and forfeiture. Product released under cash bond. (F. & D. no. 29690. Sample nos. 16369-A, 16370-A.)

This action involved interstate shipments of candy, sample packages of which were found to contain less than 1 pound, the weight declared on the label.

On December 29, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cases of candy, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce in part on or about November 6, 1932, and in part on or about December 6, 1932, by the McGregor Toffee Co., from Brooklyn, N. Y., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "McGregor R. & B. Toffee [or "McGregor Assorted Toffee] Manufactured by McGregor Toffee Company, Brooklyn, N. Y. Net Weight 1 lb."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 1 lb.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On January 31, 1933, C. S. Allen, trading as the McGregor Toffee Co., Brooklyn, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of collateral in the sum of

\$150, to insure compliance with the terms of the decree. It was further ordered that claimant, under the supervision of this Department, remove the candy from the original packages and destroy the packages.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20710. Adulteration of oysters. U. S. v. Clarence A. Christy (Geo. A. Christy & Son). Plea of nolo contendere. Fine, \$100. (F. & D. no. 28183. I. S. nos. 29568, 34895, 39239, 39378, 39381.)

This case was based on the interstate shipment of quantities of oysters, samples of which were found to contain excessive water.

On December 7, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Clarence A. Christy, a member of a partnership trading as Geo. A. Christy & Son, Crisfield, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, between the dates of November 11 and November 21, 1931, from the State of Maryland into the State of New York, of quantities of oysters that were adulterated. The article was labeled in part: (Tag) "From Geo. A. Christy & Son * * * Crisfield, Maryland."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that oyster solids, a valuable constituent of the article, had been in part abstracted.

On January 25, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20711. Adulteration of apples. U. S. v. 41 Boxes, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29616, 29617, 29618. Sample nos. 26308-A, 26317-A, 26320-A.)

These cases involved shipments of apples that bore arsenic and lead in amounts that might have rendered them injurious to health.

On or about November 25, November 29, and December 1, 1932, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 152 boxes of apples, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about November 3 and November 11, 1932, by the Quick & Harris Co., in part from Yakima, Wash., and in part from Wiley City, Wash., to Baton Rouge, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Quick Brand Northwest Apples, Quick and Harris Co. Yakima."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20712. Adulteration of butter. U. S. v. 20 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28351. Sample no. 1606-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On May 9, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cubes of butter, remaining in the original unbroken packages at Tacoma, Wash., consigned by the American Produce Co., Portland, Oreg., alleging that the article had been shipped in interstate com-